

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1710 OF 2018

Manik Vitthal Kadam

....Applicant

V/s.

State of Mahara

....Respondent

Mr. Sidheshwar N. Biradar for the applicant.

Mr. S.S. Pednekar, APP for the State.

Mr. Y.B. Lengare, Original Complainant/Intervener.

Mr. Suresh Vitthal Dalvi, Police Constable (B.No.3), Shikrapur
Police Station present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 28th AUGUST, 2018.

P.C.:

. This is an application for anticipatory bail filed by the aforesaid applicant, apprehending his arrest in Crime No.391/2018 registered at Shikrapur Police Station, District Pune for the offences punishable under sections 307, 324, 504, 506 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Sidheshwar Biradar, learned counsel for the applicant and Mr. S.S. Pednekar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The records *prima facie* reveal that there is a civil dispute between the applicant and the injured/Ganesh Satkar in respect of an agricultural land. The relations between the injured and the applicant and their respective families are strained in view of the said civil dispute. The first information report *prima facie* reveal that on 09/07/2018, the co-accused Balu Vithal Kadam obstructed the pathway leading to the said agricultural property. Subsequently, at about 05:30 p.m., the co-accused Balu Kadam and one Kamal Kadam went to the said agricultural land. It is alleged that Balu Kadam was armed with a sword and Kamal Kadam had brought chilli powder whereas the applicant was armed with an iron rod. The applicant is alleged to have inflicted an injury on the head of the Bapusaheb Shinde by means of an iron rod whereas Kamal Kadam had thrown chilli powder in the eyes of first informant/Ganesh Satkar. Balu Kadam is alleged to have inflicted an injury on the head of Ganesh Satkar by means of sword.

4. It is to be noted that the injured was referred to the hospital. The medical certificate *prima facie* reveals that the injured had sustained two contusions, one on left parietal region and other on the nose. Both the injuries are stated to be simple.

5. Considering the above facts and circumstances, in my considered view, the case does not warrant custodial interrogation. Hence, the following order :-

- (a) Anticipatory Bail Application is allowed.
- (b) In the event of arrest of the applicant in Crime No.391/2018, he shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.
- (c) The applicant shall stay away from Village Jategaon till filing of the charge sheet.
- (d) The applicant shall remain present before the Investigation Officer as and when required by the Investigation Officer for the purpose of interrogation / investigation.
- (e) The applicant shall furnish his permanent as well as temporary address, if any and his contact details to the Investigation Officer.
- (f) The applicant shall not interfere with the injured or his family members or the other witnesses in any manner.

(g) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(SMT. ANUJA PRABHUDESSAI, J.)